

ORDINANCE NO. 17, 2008

AN ORDINANCE AMENDING TITLE 2 AND TITLE 6
OF THE MUNICIPAL CODE OF THE CITY OF COLUMBUS,
INDIANA ENTITLED ANIMALS

WHEREAS, THE Common Council of the City of Columbus, Indiana, finds that certain chapters of Title 2 and Title 6 of the Columbus Municipal Code require amendment due to clarification concern, corrections to existing language and the economic environment, and

WHEREAS, the Animal Control Commission of the City of Columbus, Indiana, as established under 2.54.010 through 2.54.040 have met and recommend to the Common Council the listed changes, corrections and amendments set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, that:

SECTION I.

Chapter 2.14 ANIMAL CONTROL MANAGER

2.14.010 Manager.

The position of Animal Control Manager shall be employed by the City of Columbus, under the supervision of the chief of police with the advice of the Animal Control Commission. The Animal Control Manager shall be authorized to employ staff and any other persons as may be necessary to carry out the purposes of this chapter with the advice and consent of the chief of police. (Ord. 91-6, 1991; prior code § 4-6)

2.14.020 Duties, jurisdiction and powers.

The Animal Control Manager and staff shall be sworn to uphold, carry out and supervise the enforcement of this chapter within the city, unless otherwise provided. The Animal Control Manager and staff shall be vested with all the powers ordinary and necessary under the law to

enforce the provisions of this chapter. These duties and powers shall specifically include, but not be limited to the following:

A. To educate the public concerning humane ethics, consequences of pet overpopulation and their responsibilities as pet owners;

B. To maintain the physical facility known as the Columbus Animal Control Center which shall be operated in a humane manner in accordance with the standards set forth in this chapter and established rules and regulations;

C. To make an annual report to the common council concerning the animal control program within the city;

D. To prepare and submit to the common council for approval an annual budget of funds adequate to carry out the purposes of this chapter;

E. The power to apprehend and impound any animal that appears to be stray or at large;

F. The power to apprehend and impound any animal that is on the owner's property without being under the owner's personal physical restraint or posing an immediate physical danger to the community. Such impoundment must be preceded by written certification by a citizen witness, or by an officer of Animal Control or by the police department. However, no animal shall be apprehended and impounded if the owner is available and is restraining the animal.

G. The power to apprehend and impound any animal when the Animal Control Manager or staff have probable cause to believe that the animal has been treated cruelly, inhumanely, neglected or used by the owner/agent in a fighting contest;

H. The power to issue official warning or a notice of ordinance violation for violations of this chapter;

I. The power to enter private real property in pursuit of an animal to enforce this chapter; In performing their duties, the Animal Control Manager and staff shall be specifically prohibited from the following: entering an inhabited or locked dwelling unit without the dwelling unit owner's permission or without a warrant authorizing the entry except when apprehending and impounding an animal pursuant to subsection G of this section; carrying firearms or making arrests of human beings. (Prior code § 4-7)

2.14.030 Compensation.

The salaries and wages of the Animal Control Manager and staff shall be fixed by the mayor and approved by the common council. (Prior code § 4-9)

2.14.040 Penalty for interference with Animal Control personnel.

Whoever forcibly assaults, resists, opposes, obstructs, prevents, impedes or interferes with any Animal Control personnel while that person is engaged in the execution of any duties required of the Animal Control Department under this chapter, shall be subject to a fine of one hundred dollars (\$100.00) for the first offense, with the fines increasing by increments of one hundred dollars (\$100.00) for each subsequent offense within one year of the first offense, but not more than one thousand dollars (\$1,000.00). (Prior code § 4-8)

Chapter 2.54 ANIMAL CONTROL COMMISSION

2.54.010 Established—Duties.

An Animal Control Commission is established which shall have the following powers, duties, authority and responsibilities:

- A. Shall report to or be responsible to the board of public works and safety;
- B. To formulate policies, principles, standards and regulations for the control and humane treatment of all animals in the city;
- C. To supervise the enforcement of the terms of this chapter and to make recommendations to the common council as to ordinances necessary for the care and treatment of all animals in the city;
- D. To review the decisions and actions of the Animal Control Department and staff in any matter related to the enforcement of this chapter. Upon the written request for a hearing concerning the enforcement of this chapter, the Commission shall meet timely to hear the complaint. All complaints must be filed in writing. (Prior code § 4-2)
- E. The power to declare animals dangerous.

2.54.020 Membership.

The Animal Control Commission shall be composed of six members who shall be appointed by the mayor.

- A. One shall be a licensed veterinarian.
- B. One shall be selected from a member of the common council.
- C. Two shall be selected from a chartered animal care or control organization.
- D. Two shall be selected from the citizens of Columbus. (Prior code § 4-3)

2.54.030 Terms and removal of members.

A. The members of the Commission shall serve at the discretion of the mayor and each member shall serve until a qualified successor is duly appointed. All appointments shall be made for a four-year term.

B. Terms are to be staggered such that no more than two members are to be replaced at one year with the exception of the members selected from the common council whose term shall be concurrent with his/her elected term. (Prior code § 4-4)

2.54.040 Meetings.

The Commission shall hold an annual meeting during the month of September of each year and at such meeting shall elect its own chairperson who shall hold office until the next annual meeting. Meetings of the Commission shall be held bimonthly. A quorum shall consist of three members of the Commission present at the meeting. Special meetings may be called by the mayor, the chairperson or by any three members of the Commission or by the Animal Control Manager requesting such meeting in writing to the chairperson. Upon receipt of such a request, the chairperson shall call such a special meeting to be held within ten days. (Prior code § 4-5)

Title 6 ANIMALS

Chapter 6.04 DEFINITIONS

6.04.010 Definitions.

As used in this title, the following terms mean, unless otherwise designated:

"Abandonment" means to deposit, leave, drop off or otherwise dispose of any live domestic animal on any public or private property.

"Agent" means person(s) eighteen years or older authorized by an owner to act on the owner's behalf.

"Altered" means any animal that has had an ovariectomy (spayed) or orchiectomy (neutered) by a licensed veterinarian or has been certified by a licensed veterinarian that the animal is incapable of producing offspring.

"Animal" means any live nonhuman vertebrate creature, domestic or wild.

"Animal Control Center" means the facility operated by the City of Columbus or its authorized agents for the purpose of impounding or caring for animals held under the authority of this title or state law.

"Animal Control Department" means the City of Columbus Animal Control Department.

"Animal fighting contest" means a conflict between two (2) or more animals. The term does not include a conflict that is unorganized or accidental.

"Animal fighting paraphernalia" means equipment used to train or condition animals for participation in an animal fighting contest or used to stage an animal fighting contest.

"Animal shelter" means any facility operated by a humane society or other municipal agency, or its authorized agents, for the purpose of impounding or caring for animals held under their jurisdiction or state law.

"At large" means any animal that is not under restraint or properly confined by the owner.

"Auctions" means any place or facility where animals are regularly bought, sold, or traded, except those facilities otherwise defined in this title.

"Confinement" means the physical securing of an animal by leash, lead or secure enclosure.

"Commercial animal establishment" means any auction, circus, performing animal exhibition, pet shop, rescue group, riding school, stable, or zoological park.

"Dangerous animal" means any animal that by its behavior or training constitutes an immediate or serious physical threat to human beings or other domestic animals.

Factors to be considered by the Animal Control Commission shall include the following:

1. Circumstances that resulted in any injury or death to persons or animals, or serious destruction of property.
2. Whether the animal was acting to defend itself, its offspring, persons, territory or property or was in some fashion provoked.
3. The number, frequency and seriousness of past events causing damage to persons, property or other animals.
4. The ability of the owner to control the animal, whether the animal has been previously abused and whether the animal's behavior appears to be unpredictable.
5. The potential for future damage by the animal due to the size, muscularity and bite strength of the animal.

6. Lesser weight shall be given toward a finding of dangerousness if any animals killed or injured are traditionally animals hunted for sport or are considered vermin.
7. Greater weight toward a finding of dangerousness shall be given to animals which are dangerous to persons as opposed to other animals.

"Domestic animal" means any animal that is a member of one of the following species:

Dog (*Canis Familiaris*)
Cat (*Felis cattus* or *Felis domesticus*)
Cattle (*Bos domesticus* or *Bos taurus* or *Bos indicus*)
Horse (*Equus coballus*)
Donkey (*Equus asinus*)
Pig (*Sus scrofa*)
Sheep (*Ovis aires*)
Goat (*Capra hicus*)
Rabbit (*Oryctolagus cuniculus*)
Mouse (*Mus musculus*)
Rat (*Rattus rattus*)
Guinea pig (*Cavis procelius*)
Chinchilla (*Chinchilla laniger*)
Hamster (*Mesocricestus auratus*)
Gerbil (*Gerbillus gerbillus*)
Mink (*Mustela vison*)
Ferret (*Mustela purtorius furo*)
Chicken
Turkey
Goose
Duck
Small cage birds

"Exposed to rabies" means any human or nonhuman warm-blooded mammal that has been bitten or in contact with any other animal known or reasonably suspected to have been infected with rabies.

"Habitual offender" means any person, as determined by a court, having competent jurisdiction, who violates animal care, neglect, welfare, cruel treatment, restraint, confinement, dangerous or dangerous animal sections of the Columbus Municipal code or related offenses in other jurisdictions on at least three separate occasions, including, but not limited to, criminal convictions or civil findings in any other municipal, county or state jurisdiction..

"Harboring" means the actions of any person that permit any animal habitually to remain or lodge or to be fed within his home, store, enclosure, yard or place of business or any premises on which such person resides or controls. An animal shall be presumed harbored if it is fed or sheltered for three consecutive days.

"Hunting" means the activity of pursuing animals, as defined by the code of the city while armed with a weapon; provided, however, hunting shall not include the sport of falconry, frog gigging or the sport of fishing.

"Keepers" means veterinarians and operators of kennels, pet shops, boarding kennels, and stables temporarily keeping animals owned by or held for sale to other persons.

"Kennel" means as defined by the city zoning ordinance.

"Kennel operator" means a person who owns and/or operates a kennel.

"Owner" means any person age eighteen years or older owning or harboring one or more animals.

"Person" means any individual, firm, association, joint stock company, syndicate, partnership or corporation.

"Pet" means any domestic animal, other than cattle, horse, donkey, pig, sheep, goat, chinchilla or mink, kept for pleasure rather than for utility.

"Pet shop" means any business enterprise except a kennel that buys and sells any species of animal.

"Public nuisance" means any animal or animals that:

1. Molest passersby or passing vehicles;
2. Attack other animals;
3. Damage public or private property;
4. Bark, whine or howl in an excessive, untimely or continuous fashion for more than a twenty-minute period of time which annoys or disturbs persons of normal sensitivities.

"Rescue group" means any animal rescue group granted IRC 501(c)(3) not-for-profit tax status whose purpose is to promote animal welfare through community awareness, responsible pet adoptions, and spaying and neutering of pets.

"Research laboratory" means any animal research facility registered with the United States Department of Agriculture under the Federal Laboratory Animal Welfare Act.

"Restraint" means under direct control of the owner or limited or restricted within the bounds of the real property of the animal's owner or agent.

"Riding school or stable" means any place that has available for hire, boarding, and/or riding instruction, any horse, pony, donkey, mule or burrow.

"Secure enclosure" means a physical structure, enclosed building, fence, or pen that is of adequate size and in good repair, where any gate or access is securely latched or bolted, that prevents escape or unrestricted contact with humans or other domestic animals. It does not include underground fencing, electronically controlled collars, tethers, leashes or chains, unless they are incorporated with the approved enclosure.

"Stray" means any animal that is not under restraint and/or upon reasonable inquiry does not appear to have an owner.

"Trapping" means to use any device that springs shut suddenly, a pitfall, a snare or other similar device for the purpose of catching and holding animals.

"Unaltered" means any animal that has not had an ovariohysterectomy (not spayed) or orchiectomy (not neutered) by a licensed veterinarian or has not been certified by a licensed veterinarian that the animal is incapable of producing offspring.

"Veterinarian" means any person licensed to practice veterinary medicine in the state of Indiana.

"Weapon" means, but shall not be limited to mean, any firearm, any archery equipment, any device used to discharge a projectile either by means of explosion, by force or mechanical means, any sling shot or slings or any device that can hurl a projectile or can be hurled or thrown. (Prior code § 4-47)

"Wild animals (Class 1)" means any of the following: fish, nonpoisonous snake, nonpoisonous reptile, nonpoisonous amphibian, degu, sugar glider, hedgehog, and/or birds not normally kept as cage birds.

"Wild animals (Class 2)" means any animal or hybrid of any animal that is not a domestic animal or wild animal (Class 1), as defined in this chapter, or any mammal the United States

government or the state of Indiana may list or publish as endangered species, or poisonous snake, poisonous reptile or poisonous amphibian. (Ord. 98-34 § 1, 1998; prior code § 4-1)

Chapter 6.07 FINES, FEES, AND PENALTIES

6.07.010 Disposition of fines, fees and penalties

All fines, fees, and penalties collected will be deposited into the Animal Control Department's Adoption / Medical Fund. Monies from this fund will be used as directed by the Animal Control Commission for purposes of providing medical care, spay and neutering assistance, preventive health care, or for other services the Animal Control Commission deems appropriate and compatible with its policies.

6.07.020 Payment of violations.

Payment of violation notices shall be made at the Animal Control Center or at the office of the clerk-treasurer within seventy-two hours from date of issuance. (Prior code § 4-53)

6.07.025 Violations Prior to Enactment of New or Revised Ordinances

For purposes of determining fines, fees, and penalties for any subsequent violations, violations prior to the enactment of new or revised ordinances shall apply.

6.07.030 Habitual Offenders

A Court of competent jurisdiction may declare a person a habitual offender and that person or owner shall not own, keep or harbor any animal within the city limits of Columbus, Indiana.

6.07.040 Violations-Penalties.

Any person or owner found to be a habitual offender is subject to having the animal(s) immediately confiscated by the Animal Control Department and subject to a fine of two hundred and fifty dollars (\$250.00) for each offense. The Court of jurisdiction will be notified of this violation.

Chapter 6.08 ANIMAL CONTROL REGULATIONS GENERALLY

6.08.010 Restraint Required

A. All animals shall be restrained.

B. The Animal Control Manager and the staff shall have the authority to order animals be confined by the owner and/or agent for serious or repeated violations of subsection A of this section. (Prior code § 4-17)

6.08.015 Zones of enforcement on city-owned property.

A. On all property owned by the city, the governing board or commission may establish by resolution of said body, zones in which an animal must be on leash, or prohibited entirely, during certain times as posted by signs in the zone.

B. Any resolution so passed, must be forwarded to the Animal Control Commission for review and action thereon. The Animal Control Commission shall direct the Animal Control Department to take the appropriate action to enforce the zone requirements as soon as reasonably possible after receiving a resolution of a zone.

Any signage will be the responsibility of the governing board or commission in charge of the area designated in the zone. Any enforcement in the zone will be the responsibility of the Animal Control Department or its designees with the oversight of the Animal Control Commission. (Ord. 95-11 § 1, 1995)

6.08.020 Unaltered animals not properly confined or restrained.

A. Every female animal in heat or rutting shall be restrained within a building or secure enclosure so that the animal cannot come into contact with a male animal of the same species except for planned breeding. (Prior code § 4-18)

B. Any unaltered male or female dog or cat found to be at large is subject to additional fines and fees as described in section 6.08.040

6.08.030 Dangerous animals

A. Every dangerous animal, as determined by the Animal Control Commission, shall be restrained by the owner within a building or secure enclosure, as recommended by the Animal Control Manager, and shall be physically confined and securely muzzled or caged whenever off the premises of the owner. (Prior code § 4-19)

B. Every dangerous animal shall be spayed or neutered and micro-chipped at the owner's expense within 30 days from being declared dangerous.

C. Every owner of a dangerous animal must report the following within 24 hours; the dangerous animal dies; change in owner's place of primary residence; change in location where the dangerous animal is kept, boarded or otherwise held; ownership has been transferred including name, address and telephone number of the new owner and location of the dangerous animal.

D. A list of any animals declared dangerous by the Animal Control Commission will be maintained by the animal control department and may be made available to the public, both upon request and on the department official website. That list may include, but not be limited to; the description of the animal and the known location of where the animal is kept.

E. In determining the dangerousness of an animal, the Animal Control Commission may require the owner to submit their animal for evaluation by Animal Control. Failure by the owner to submit their animal for such an evaluation will result in the animal being conclusively determined to be dangerous.

6.08.040 Confinement and restraint violations—Penalties.

Any person who violates Sections 6.08.010 through 6.08.030 shall be subject to a fine or action, as follows:

- A. For any violation of Sections 6.08.010 a fine of twenty dollars (\$20.00) for the first offense, with the fines increasing in increments of twenty dollars (\$20.00) for each subsequent offense within one year of the first offense, but not more than one thousand dollars (\$1,000.00).
- B. For any violation of section 6.08.020 (A), a fine of fifty dollars (\$50.00) for the first offense, with fines increasing in increments of fifty dollars (\$50.00) for each subsequent offense within one year of the first offense, but not more than one thousand dollars (\$1,000.00).
- C. For violations of section 6.08.020 (B), a fine of one hundred dollars (\$100.00) or voluntary spay or neuter of the animal within twenty-one (21) days of the first violation, a fine of five hundred dollars (\$500.00) or voluntary spay or neuter of the

animal within twenty-one (21) days of the second violation, with fines increasing in increments of five hundred dollars (\$500.00) or voluntary spay or neuter of the animal within twenty-one (21) days of the subsequent violations. If the Animal Control Department confirms that the animal has been spayed or neutered within twenty-one (21) days of the most recent violation, the owner will be reimbursed the fine for that violation. This section does not apply to dogs used in law enforcement, animals less than six months old, and animals a licensed veterinarian certifies are physically unable to undergo a spay or neuter operation.

- D.** For any violation of Section 6.08.030, a fine of five hundred dollars (\$500.00) and confiscation of the dangerous animal from the owner by the Animal Control Department or authorized agent. If a dangerous animal has been confiscated for violation(s) of Section 6.08.030, then the animal may be euthanized after seven (7) days' notice to an owner.
- E.** Any person or persons owning a dangerous animal and subject to the orders of the Animal Control Department may appeal any such findings or orders by giving written notice of appeal to the Animal Control Department within seven (7) days of any such finding or order or within seven (7) days in the event of notice that an animal will be euthanized. The Animal Control Department shall forward the notice of appeal to the secretary of the Animal Control Commission. The Animal Control Department shall cease any action that is irreversible with regard to any animal pending appeal.

6.08.050 Period of impoundment.

Any animal that is found by the Animal Control Department to be at large, stray, nuisance, inhumanely or cruelly treated, neglected or has bitten another animal or human being or is being kept in conditions which violate this chapter may be impounded at the Animal Control Center and there confined in a humane manner until released to the owner or agent, or the animal becomes property of the Animal Control Department.

A. Any animal impounded for being at large, stray or nuisance must be held for a period of not less than seven days or until an owner is notified whichever is the lesser. At the end of that period if the animal is not returned to the owner, that animal becomes the property of the Animal Control Department, which may dispose of that animal in any manner that it deems humane and compatible to its policies.

B. Any animal impounded for biting another animal or human being must be held in compliance with Sections 6.08.240 and 6.12.060.

C. Any animal deemed to be suffering with little or no chance for survival or by court order may be humanely euthanized before the holding period has expired. (Prior code § 4-21)

6.08.060 Jurisdiction of Animal Control Department for impoundment.

The jurisdiction of the Animal Control Department for purposes of enforcing this chapter shall include the limits of the city. (Prior code § 4-22)

6.08.070 Notice of impoundment and reclaiming fees.

If any animal is impounded at the Animal Control Center it is the duty of the Animal Control Department to notify the owner of that animal by written notice, in person, by ordinary United States mail, or by advertising that in a newspaper of general circulation within Bartholomew County, within seventy-two hours from time of impoundment.

A. An owner/agent reclaiming an impounded animal shall pay a boarding fee of ten dollars (\$10.00) per day for each day, or partial day, the animal was impounded in addition to any fines due for any violations of this chapter or any expenses related to the care of the animal prior to the release of the animal to the owner/agent.

Payment of any fines, fees and judgments must be paid to the Animal Control Department or appropriate authority prior to the release of the animal to the owner/agent. Failure of the owner/agent to pay the fine, fees or judgment within seventy-two hours of notification of impoundment, may result in the forfeiture of that animal to the Animal Control Department.

B. Any owner turning their animal over to the Animal Control Department for a bite case quarantine period shall pay the ten dollar per day boarding fee in addition to any expenses for vaccination and certification fees required prior to release. (Ord. 98-34 § 2, 1998; prior code § 4-23)

6.08.080 Notice of ordinance violation.

In lieu of impounding an animal which is at large, stray, nuisance, or is being kept in conditions which violate this chapter, the Animal Control Department may issue to the known owner or agent of such animal a notice of ordinance violation as described in other sections of this title. (Prior code § 4-24)

6.08.090 Public nuisance prohibited—Violations and penalties.

A. No owner shall fail to exercise due care and control of their animal(s) to prevent them from becoming a public nuisance.

B. Persons whose animals violate any of the provisions of this section, as they relate to barking or howling in an excessive, untimely or continuous fashion, damaging public or private property, is subject to a fine of twenty dollars (\$20.00) for the first offense, with the fines increasing by an increment of twenty dollars (\$20.00) for each subsequent offense within one year of the first offense, but not more than one thousand dollars (\$1,000.00).

C. Persons whose animals-violate the provision of this section as it relates to molesting passersby or other domestic animals, is subject to a fine of fifty dollars (\$50.00) for the first offense, with the fines increasing by an increment of fifty dollars (\$50.00) for each subsequent offense within one year of the first offense, but not more than one thousand dollars (\$1,000.00).

D. Persons whose animals violate provisions of this section, as they relate to attacking humans or other animals shall be subject to a fine of one hundred dollars (\$100.00) for the first offense, with the fines increasing by an increment of one hundred dollars (\$100.00) for each subsequent offense within one year of the first offense, but not more than one thousand dollars (\$1,000.00). (Ord. 89-62 § 1 (part), 1989; prior code § 4-25)

E. After any person shall have been found to be maintaining or continuing any such public nuisance by a court of competent jurisdiction, such authority may order the removal or abatement of the nuisance and may direct the Animal Control Department or other city departments to carry into effect the judgment of the court.

6.08.100 General animal care.

Every owner of an animal within the city shall see that their animal:

A. Is kept in a clean, sanitary and healthy manner and is not confined so as to be forced to stand, sit or lie in its own excrement;

B. If chained or tied outside, shall have available at all times for that animal, a chain, leash or lead, not less than ten feet or two and one-half lengths of the animal, whichever is the greater.

However, this chain, leash or lead cannot allow the animal to enter onto or into another person's property or onto or into the public right-of-way;

- C. Has sufficient and wholesome food and water, proper for that species of animal;
- D. Has a proper and adequate structure provided that will protect that animal from all elements of the weather and will allow that animal to stand, sit and lie down without restriction;
- E. If ill, diseased or injured, receive care as necessary to prevent the transmittal of the disease to other animals or prolong the suffering of the injured animal;
- F. Is not beaten, cruelly treated, overloaded, overworked or otherwise abused, or cause, instigate or permit any dog fight, cockfight, bullfight or other combat between animals or between animals and humans;
- G. Is not physically altered in any manner by anyone other than a veterinarian with the exception of tattooing and grooming;
- H. Is not chained or tethered on a regular or continuous manner, as determined by the Animal Control Commission.
- I. Is not restrained by the neck with the use of a rope, wire, chain or other metal collar.
- J. This section shall also apply to animals kept at the Animal Control Center or by anyone acting in behalf of the Animal Control Department. (Prior code § 4-26)

6.08.110 Cruel treatment unlawful.

No person shall beat, cruelly treat, overload, overwork or otherwise abuse any animal, or cause, instigate or permit any dog fight, cock fight, bull fight or other combat between animals, or between animals and humans. No person shall physically alter any animal, other than a licensed veterinarian with the exception of tattooing or grooming.

6.08.120 Animals as prizes.

A. It is unlawful for any person to give any live animal, fish, reptile or bird as a prize for, or as an inducement to enter any contract, game or other competition.

B. It is unlawful for any person to sell or offer for sale, raffle, offer or give as a prize, premium or advertising device, to display in any store, shop, carnival or other place any chick, ducklings or goslings younger than four weeks of age, in quantities of less than twelve to each individual person. (Prior code § 4-28)

6.08.130 Poisoning.

It is unlawful for any person to throw or deposit any known poisonous substance in any of the streets, alleys, parks, commons, yards or other places, whether public or private, within the city, so that the same shall be likely to be consumed by any animal; provided that, it is not unlawful for a person to expose on his or her own property common rat or mouse poison, unmixed or mixed with vegetable substances. (Ord. 98-34 § 4, 1998: prior code § 4-29)

6.08.140 Motor vehicle accidents involving animals.

Any person who as the operator of a motor vehicle, strikes any animal, shall at once report the accident to the appropriate law enforcement agency or the Animal Control Department. (Prior code § 4-30)

6.08.150 Animals in motor vehicles or kept in confined spaces.

It shall be unlawful for any person to place or confine or allow any animal to be confined in such a manner that it must remain in a motor vehicle or confined space under such conditions for

such periods of time as may cause suffering or endanger the health or well-being of the animal due to extreme temperatures or lack of food and water.

6.08.160 Use of device to induce performance.

No animal shall be induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner likely to cause physical injury or suffering. (Prior code § 4-32)

6.08.170 Abandonment.

It is unlawful for any person to abandon any animal. (Prior code § 4-33)

6.08.180 Animal Fighting Contests

It is unlawful for any person to;

- A. knowingly or intentionally purchase or possess an animal for the purpose of using the animal in an animal fighting contest,
- B. knowingly or intentionally possess animal fighting paraphernalia with the intent to commit a violation, or
- C. promote or stage an animal fighting contest or attend an animal fighting contest.

6.08.185 Animal care violations--Penalties.

A. Persons who violate any of the provisions of Sections 6.08.100 through 6.08.170 shall be subject to a fine of one hundred dollars (\$100.00) for the first offense, with the fines increasing by an increment of one hundred dollars (\$100.00) for each subsequent offense within one year of the first offense, but not more than one thousand dollars (\$1,000.00). (Ord. 98-34 § 5, 1998; prior code § 4-34)

- A. If in the event the Animal Control Department reasonably believe that any animal is being beaten, cruelly treated, overloaded, overworked or otherwise being abused, then the Animal Control Department shall have the authority:

- (1) to take possession of such animal and impound same for safekeeping.
 - (a) to take possession of any related animal fighting paraphernalia and kept as evidence until disposition of those items has been determined by the Animal Control Commission or court having jurisdiction.

(2) If any animal is impounded at the Animal Control Department pursuant to this section, it shall be the duty of the Animal Control Department to notify the owner of the animal pursuant to Section 6.08.070 of this title.

(3) If, after notification as set forth herein, the owner/agent believes the animal has been impounded without cause, the owner/agent shall request, within ten days of being notified of the impoundment pursuant to subsection B of this section, a hearing before the Animal Control Commission. During such hearing, the owner/agent shall present its case and the Animal Control Commission will then render its decision within seven days of the hearing date. If in the event the Animal Control Commission renders a decision that the animal has been impounded with justification, the Animal Control Commission may take all reasonable and necessary procedures to dispose of the animal in any manner that it deems humane and compatible to its policies.

B. Persons who violate any of the provisions of Section 6.08.180 shall be subject to a fine of five hundred dollars (\$500.00) for the first offense, with the fines increasing by an increment of five hundred dollars (\$500.00) for each subsequent offense within one year of the

first offense, but not more than one thousand dollars (\$1,000.00). (Ord. 98-34 § 5, 1998: prior code § 4-34)

6.08.190 Keeping wild animals (Class 1).

Any person who keeps, owns, harbors, boards, sells or lets for hire any wild animal (Class 1), as defined in Section 6.04.010, must obtain the appropriate permit(s) from the state of Indiana and report to the Animal Control Department the acquisition of such a wild animal (Class 1) and the acquisition or application for a permit required by the state of Indiana. (Prior code § 4-35)

6.08.200 Wild animal care.

Both wild animals (Class 1) and wild animals (Class 2) must be kept in conditions that do not violate any United States, Indiana, or city of Columbus law or ordinance provisions. (Prior code § 4-36)

6.08.210 Wild animals—Inspection.

Any person who keeps, harbors, owns, sells, boards or lets for hire any wild animal (Class 1) and/or wild animal (Class 2) is subject to inspections by the state of Indiana or the Animal Control Department at any time. (Prior code § 4-37)

6.08.220 Wild animals prohibited when.

A. All wild animals (Class 2), as defined in Section 6.04.010, are forbidden to be kept, owned, harbored, boarded, sold or let for hire within the city, except as provided by subsection B of this section.

B. The city board of public works and safety may grant a temporary variance to subsection A to those, owners, commercial animal establishments or sponsors who make formal written requests for an exhibition of wild animals (Class 2) to be held within the city limits.

A written formal request must be presented to the city Animal Control Department, not less than fourteen days prior to the starting date of the exhibition. The request must include but is not limited to: the legal name, address, telephone number; the type and number of wild animals (Class 2) in the exhibit; the time, date(s) and location of the exhibit. Upon receipt of the request for the variance, the Animal Control Department will make initial investigation as to the information contained on the request and verify any permit(s) or license(s) required. The Animal Control Manager will then present the variance request with any recommendation to the board of public works and safety for the city at its next regularly scheduled meeting for its decision and action upon the request. The applicant is entitled to be notified of said meeting and to be present to present evidence on its behalf. Upon the decision of the board, the Animal Control Manager will notify the applicant and/or sponsor of the board's decision. The board of public works and safety and/or the city attorney's office reserves the right to attach any additional requirements to the exhibit deemed reasonable and to void any variance found in violation of this chapter or harmful to the public.

C. The city board of works may issue a general variance for up to one year for this section to those individuals or firms that have shown they have; received prior approval by the City Board of Works for a similar variance and that an approved program was conducted without incident; the type of animal requests do not vary significantly from the original request; and have complied with and adhered to any and all applicable laws and regulations and requests of the Animal Control Department.

D. The city and its agents may not be held liable for any damages caused by such exhibit permitted hereunder. (Prior code § 4-38)

6.08.230 Wild animal violations—Penalties.

A. Any person who violates any or all of Sections 6.08.190, 6.08.200 and/or 6.08.210, or otherwise violates any provisions of this chapter, is subject to a fine of fifty dollars (\$50.00) for the first offense, with fines increasing in increments of fifty dollars (\$50.00) for each subsequent offense within one year of the first offense, but not more than one thousand dollars (\$1,000.00), and is subject to having said wild animal(s) confiscated by the state of Indiana and/or the Animal Control Department.

B. Any person who is found in violation of Section 6.08.220, may be subject to a fine of one hundred dollars (\$100.00) for the first offense with fines increasing in increments of one hundred dollars (\$100.00) for each subsequent offense within one year of the first offense, but not more than one thousand dollars (\$1,000.00). This fine may be assessed against the sponsor of such an exhibit, should the owner or commercial animal establishment not reside within the state of Indiana. (Prior code § 4-39)

6.08.240 Animals biting persons.

A. Every person who knows, learns or suspects that a warm-blooded animal has bitten, scratched or caused an abrasion of the skin of any human being, within the city, shall immediately report that fact to the Bartholomew County Health Department and/or the Animal Control Department. All reports must be submitted on a form approved by the Bartholomew County Health Department entitled, "Animal Bite Report." Upon receipt of the animal bite report, the Animal Control Department shall contact the owner of the animal, if known, and advise them of the quarantine requirements. The Animal Control Department shall contact the victim and notify them of their responsibilities. The Animal Control Department has the right to check and make inquiry at any time during the quarantine period to verify that the animal is being quarantined in a manner that does not violate the quarantine requirements. The department shall have the power to apprehend and impound an animal found in violation of quarantine requirements.

B. Any warm-blooded animal which has bitten, scratched, caused an abrasion of the skin or which is known or suspected of being rabid, shall be confined for a period of not less than ten days from the date of the incident. This animal shall be quarantined in a building, secure enclosure with no means of escape or in any other manner approved by the Animal Control Department that will keep the animal from coming in contact with any other animal. If an animal is a house pet and the owner must allow the animal outside in a manner that would violate this section, then the owner must have the animal on a leash or lead, be present at all times the animal is outside, and keep the animal on the owner's property. If the owner is unable or refuses to quarantine the animal as described, then the animal must be quarantined at the Animal Control Center, a boarding kennel, or licensed veterinarian's office. The department shall have the power to apprehend and impound an animal found in violation of the quarantine requirements. The owner of the animal is responsible for any costs incurred during confinement. If there is no known owner of the animal, then the animal shall be quarantined at the Animal Control Center.

C. At the expiration of the quarantine requirement and prior to the release from quarantine, the animal must be examined by a licensed veterinarian who shall certify the animal as not being rabid. This certification must be presented to the Bartholomew County Health Department within

three days of the examination. The owner is responsible for the certification. If the owner is unknown, the Animal Control Department shall be responsible for certification.

D. It is unlawful for the owner of any warm-blooded animal, when notified that such animal has bitten, scratched or caused an abrasion of the skin of a human being, or is known or suspected of being rabid, to sell, give away, allow to escape, or be taken from the limits of the city during the quarantine period.

E. If the animal is a wild animal, exotic or a domestic animal that is injured or diseased, and the owner is unknown, then the Animal Control Department or the Bartholomew County Health Department may require the animal be euthanized and the head removed by a licensed veterinarian, and transported to the State Board of Health prior to the expiration of the quarantine requirement.

F. If it should be determined that an animal is rabid, then it shall be euthanized by a licensed veterinarian, the head of the animal removed by a licensed veterinarian, and transported to the State Board of Health. The cost of euthanasia, removal of the head, and transportation shall be the responsibility of the owner. If the owner is unknown, then the cost shall be the responsibility of the Animal Control Department.

G. If any animal shall die during the quarantine period, the head of the animal shall be removed by a licensed veterinarian and transported to the State Board of Health. The cost of removal and transportation shall be the responsibility of the owner. If the owner is unknown, then the cost shall be the responsibility of the Animal Control Department. (Prior code § 4-41)

6.08.245 Biting animals violation--Reporting and Quarantining--Penalty.

For the first violation of Section 6.08.240, a fine of fifty dollars (\$50.00) with the fine increasing in increments of fifty dollars (\$50.00) for each subsequent offense within one year of the first offense, but not more than one thousand dollars (\$1,000.00). (Ord. 98-34 § 6, 1998: prior code § 4-42 (b))

6.08.250 Biting animals violation--Penalty.

A. Any person who owns an animal who has bitten a human being or other domestic animal is subject to a fine of one hundred dollars (\$100.00) for the first offense increasing in increments of four hundred dollars (\$400.00) for each subsequent offense within one year of the first offense, but not more than one thousand dollars (\$1,000.00).

6.08.270 Exception.

Canine law enforcement officers are exempt from this section while in the performance of their official duties, as described by local, state and federal law.

Chapter 6.10 Dead Animal Disposal

6.10.010 Dead animal disposal

A person owning, caring for, or possessing any animal that has died from any cause shall dispose of the animal body or parts of the animal body within twenty four (24) hours after knowledge of death. Disposal of the animal body or animal body parts, must be in compliance with requirements of the Indiana State Board of Animal Health (ISBOAH) and the Indiana Department of Environmental Management (IDEM).

6.10.020 Violations-Penalties.

Persons who violate this section are subject to a fine of fifty dollars (\$50.00) for the first offense increasing in increments of fifty dollars (\$50.00) for each subsequent offense within one year of the first offense, but not more than one thousand dollars (\$1,000.00).

Chapter 6.12 DOGS AND CATS.

6.12.010 Identification of Animals

6.12.020 Approved means of Identification

6.12.030 City Identification Tags and fees.

6.12.040 Use of Identification for other animals

6.12.050 Identification Violations – Penalties.

6.12.060 Rabies Vaccinations Required and Penalties

6.12.010 Identification of Animals

All dogs and cats of any age must have current and valid identification upon them, whenever outside the dwelling unit of the owner. Upon reasonable inquiry by the Animal Control Department or Law enforcement agency, every person, owner, agent, or keeper must provide upon that request and to the best of their knowledge the following information related to the animal(s) under their care or control; number of animals, breed, sex, age, name, medical and vaccination history, and disposition if applicable

6.12.020 Approved means of Identification.

The means of identification required by this section shall be in addition to any tags required to be worn by dogs or cats by state law or other provision, and shall include but not be limited to one or more of the following;

- (1) A current and valid rabies tag as required by state law, attached to a durable collar worn at all times by the dog or cat, which includes the year issued, the veterinarian or agency, including telephone number, of who issued the tag, and a legible and traceable identification number; or
- (2) A microchip implanted in the dog or cat which bears a registered identification number, and which can be read by a standard microchip scanner; or
- (3) A permanent tag or plate attached to a durable collar worn at all times by the dog or cat, and bearing the owner's current name, address and telephone number; or
- (4) Other means of identification recommended by the Animal Control Manager and approved by the Animal Control Commission.

6.12.030 City Identification Tags and fees.

The City of Columbus will make available an approved Identification tag and registration form or micro-chipping and registration for any pet owner upon their request and the proper completion of the registration.

The fee for City Identification tags / micro-chipping are as follows: fifteen dollars (\$15.00) for a spayed or neutered dog or cat and twenty-five dollars (\$25.00) for an unaltered dog or cat.

6.12.040 Use of Identification for other animals

No person shall use a rabies vaccination tag or a City Identification tag for any animal other than the animal for which it was issued.

6.12.050 Identification Violations – Penalties.

Owners who violate sections 6.12.010 through 6.12.040 are subject to a fine twenty dollars (\$20.00) for the first offense increasing in increments of twenty dollars (\$20.00) for each subsequent offense within one year of the first offense, but not more than one thousand dollars (\$1,000.00). Additionally the Animal Control Department may require the purchase of a City Identification tag or micro-chipping prior to release of any impounded animal.

6.12.060 Rabies Vaccinations Required and Penalties.

A. It is unlawful to own or harbor any dog or cat the age of three months or older without a valid rabies vaccination.

B. Any person who violates subsection A. of this section shall be subject to a fine of twenty dollars (\$20.00) for the first offense, fifty dollars (\$50.00) for the second offense, and then increasing in increments of fifty dollars (\$50.00) for each subsequent offense within one year of the first offense, but not more than one thousand dollars (\$1,000.00).

Chapter 6.16 ADOPTED ANIMALS

6.16.010 Adoption fee.

Generally, the fee for adopting a dog will be one hundred dollars (\$100.00), and the fee for adopting a cat will be eighty dollars (\$80.00); however, the fee for adopting either a dog or a cat is ultimately at the discretion of the Animal Control Manager. (Prior code § 4-45)

6.16.020 Spaying and neutering.

Any dog or cat adopted from the Animal Control Center must be spayed or neutered by a licensed veterinarian by the age of six months. An exception is only made if a licensed veterinarian certifies that said animal is physically unable to undergo such an operation. In which case the dog or cat is to be spayed or neutered as soon as the veterinarian determines that the animal is able. (Prior code § 4-43)

6.16.030 Care of adopted animals.

A. Any animal adopted from the Animal Control Center shall be kept in conditions that do not violate any section of this title or violate any applicable county, state and federal laws governing treatment of animals.

The Animal Control Department may visit and/or make inquiry concerning this pet at any reasonable time. (Prior code § 4-44)

6.16.040 Violations—Penalties.

A. Any person found in violation of this chapter may have the adopted animal reclaimed and/or be issued a notice of violation.
(Prior code § 4-46)

Chapter 6.20 HUNTING AND TRAPPING

6.20.010 Hunting within city limits unlawful—Penalty.

No person shall engage in the hunting of any animal within the city limits. Any person found violating this section shall have his hunting weapon or weapons seized until further order of the court hearing the ordinance violation. The officers of the Animal Control Commission or sworn officers of the police department shall be empowered to enforce this prohibition which shall include, but not be limited to, the levy of a fine for ordinance violation in the amount of three hundred dollars (\$300.00) per occurrence plus court costs and/or forfeiture of said hunting weapon. (Prior code § 4-48)

6.20.020 Trapping on city property unlawful—Penalty.

No person shall engage in the trapping of any animal on real property owned by the city or real property owned by agencies and/or commissions of the city as defined by the Indiana Code. The officers of the Animal Control Commission or sworn officers of the police department shall be empowered to enforce this prohibition which shall include, but not be limited to, the levy of a fine for ordinance violation in the amount of three hundred dollars (\$300.00) per occurrence plus court costs and/or forfeiture of said trapping device. (Prior code § 4-49)

6.20.030 Exemptions.

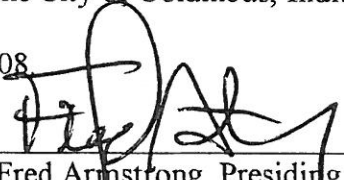
The officers and agents of the police department and the Animal Control Manager, his staff or designated agent are exempt from Sections 6.20.020 and 6.20.030 while in the performance of their official duties. (Prior code § 4-50) Navigable waterways remain under the Indiana Department of Natural Resources exclusive jurisdiction. The taking of wild animals by trapping on non-navigable waterways is further exclusively regulated by the Indiana Department of Natural Resources.

SECTION II.

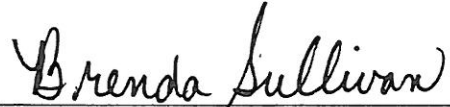
This Ordinance shall have full force and effect from and after its passage.

Adopted by the Common Council of the City of Columbus, Indiana this

7th day of May, 2008.


Fred Armstrong, Presiding
Officer of the Common Council
of the City of Columbus,
Indiana

ATTEST:


Brenda Sullivan, Clerk of the
Common Council of the City of
Columbus, Indiana